Remarks/Arguments

Please reconsider the application in view of the above amendments and the following remarks.

Statement of Examiner Interview

Ms. Temple had a telephone interview with the Examiner on 2/4/04. Ms. Temple thanks the Examiner for her time and advice. During the interview, the Examiner stated that she has not made an allowability decision, but suggested changing the proposed claims Ms. Temple had faxed prior to the interview to system claims. In response, the Applicant has submitted proposed amended claims reflecting the suggestions made by the Examiner.

Restriction Requirement

The Examiner had a telephone conversation with Mr. Sullivan on 8/4/03 where a provisional election was made without traverse to prosecute the invention of Group I, claims 1-8. The Applicant hereby affirms the election of Group I.

Disposition of Claims

Claims 1-8 are rejected. Claims 9-11 are withdrawn. Claims 1-8 have been amended.

Objections

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. In response to this objection, claim 8 has been amended to include the thickness of about 0.002-0.003 mm as provided for in the specification.

Rejections under 35 U.S.C. §103

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boitnott in view of the Admitted Prior Art of the present application and Nugent. Applicant respectfully traverses.

Applicant submits that neither the Admitted Prior art, the Boitnott nor the Nugent patent disclose a heat shrinkable, removable, labeling system, disposed at least partially about the tank, as claimed in claim 1. Specifically, the Admitted Prior Art discloses labels for refrigerant storage tanks that are painted onto the tank (which is not heat shrunk at least partially about the tank nor removable), adhesive (which are neither heat shrunk nor removable except by absolute destruction including scrapping), or tied onto the tank (which are not heat shrink at least partially

about the tank). Although the Admitted Prior Art provides labels for refrigerant storage tank, the labels disclosed are not heat shrunk, removable and at least partially about the tank.

The Office action asserts that the Boitnott patent discloses a "refrigerant storage tank labeling apparatus comprising a heat-shrinkable, plastic sleeve...that is shrunk about the service port of the tank and is provided with general labeling information (Figure 2; column 1, lines 19-26; column 3, lines 8-9 and 15-20 and 35-36)." To the contrary, the Boitnott patent discloses a security kit providing seal members that substantially cover the service port i.e., "preventing refrigerant from being introduced into or removed from the refrigeration system via the service port". (Column 3, lines 9-15). Thus the Boitnott patent discloses a protective seal for the service port of a refrigeration system, and does not disclose a labeling system for a refrigerant storage tank that is disposed at least partially about the tank. Further, the Boitnott patent states that the kit may include "a validation record for recording the identifying indicia from the seal member installed on the service port". (Column 2, lines 66-68, Column 3, lines 1-3). Thus, the Boitnott patent mentions identifying indicia, but only with respect to the service port of the refrigeration system and not to a refrigerant tank. The Boitnott patent fails to disclose the labeling information claimed in the present application.

The Nugent patent discloses a composite body fluid sample container that includes a glass container and a "shrunk down" sleeve of a thermoplastic film. (Abstract). The film is a safety measure that protects the contents of the tube from leaking for a period of time, should the tube be cracked or dropped. (Column 3, lines 55-63).

In rejecting the claims as obvious, the Office action states that it is well known in the labeling apparatus art to heat-shrink a sleeve onto a container wherein the sleeve has content information thereon. The Office action then concludes that it would have been obvious to treat the plastic sleeve of Boitnott so as to make the surface appropriate for labeling. The mere fact that one skilled in the art of refrigeration systems might treat a port protector so as to receive labeling does not imply that it is known or obvious to one of ordinary skill in the art of refrigeration storage tanks to use a port protector, big enough to fit around a refrigerant storage tank and treat it so as to be labeled with refrigerant tank information. One skilled in the art of refrigeration storage tanks would not look to the art of port protection for refrigeration systems for labeling guidance.

Further, there is no suggestion to combine the Admitted Prior Art with the Boitnott patent. The Boitnott patent does not suggest the use of the service port seal as a labeling system for refrigerant storage tanks.

Moreover, the Nugent patent fails to teach or suggest the relationship between a body fluid sample collection tube (Nugent), a refrigeration system port protector (Boitnott), and a refrigerant storage tank label (Admitted Prior Art). Specifically, the Nugent patent states that the "presence of the film firmly adhering to the outer surface of the container holding the sample has the effect of maintaining the general integrity of the container holding a diseased sample so that it may be properly disposed without contamination to the user". (Column 2, lines 23-28). Thus, one of ordinary skill in the art of refrigerant tanks would not look to the art of body fluid sample collection, especially considering the Nugent patent explicitly states the reason for the heat shrunk sleeve is for maintaining the "integrity" of the container. The labeling system of the present invention does not maintain the integrity of the container by protecting the contents from escaping in the event of a crack in the tank. Nor would they look to the art of service port protection, taught in Boitnott, which does not act to keep contents *inside* the refrigeration system, rather, it keeps content from *entering* the refrigeration system.

The Office action states that "it is known in the labeling apparatus art to heat-shrink a sleeve onto a container wherein the sleeve has content information thereon, as taught by Nugent". Although the Nugent patent discloses that printing "may be placed on either side of the shrinkable tube film", it does not require printing. Thus, the Nugent body fluid tube can function without the use of the heat-shrink sleeve and without the use of printing. Thus, although the Nugent sample collection tube might be capable of being modified to accept printing, (but not necessary as claimed in the present invention) there is no suggestion or motivation to do so, and the Nugent apparatus can function without printing.

Because there is no motivation to combine the references Applicant submits that the Office has failed to establish a *prima facie* case of obviousness of independent claim 1 and the claims dependent therefrom.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boitnott, the Admitted Prior Art, and Nugent as applied to claim 2, and further in view of Culp. For the same

reasons discussed above, Applicant submits that the Office has failed to establish a *prima facie* case of obviousness of independent claim 1 and the claims dependent therefrom.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the collective teachings of Culp, Klauke et al., and Brossia et al., in view of the Admitted Prior Art in the specification of the present invention, Boitnott, and Nugent, or alternatively, the Admitted Prior Art in view of the collective teachings, Boitnott, and Nugent. Applicant respectfully traverses.

For the same reasons discussed above, Applicant submits that neither the Boitnott, Nugent, nor the Admitted Prior Art, disclose the heat shrunk, removable, and partially about the refrigerant tank elements of independent claim 1.

Culp discloses a method for reconditioning a propane gas tank. Culp fails to disclose a heat shrunk, removable, labeling system for a refrigerant storage tank. Klauke discloses a dual chamber flexible tube dispensing package. Klauke fails to disclose a heat shrunk, removable labeling system for a refrigerant storage tank. Brossia et al. discloses a container-cooler. Brossia fails to disclose a heat shrunk, removable labeling system for a refrigerant storage tank.

In rejecting the claims as obvious, the Office action states that reconditioned refrigerant storage tanks having printed information thereon are well known in the art. The Office action then concludes that it would have been "obvious to print content information on the labeling sleeve of the collective teachings, specifically those of Culp, and use the same to label a refrigerant storage tank of the Admitted Prior Art because this would ensure safe handling of the refrigerant tank." The mere fact that one skilled in the art of propane tanks might desire a reconditioned tank with instructional information thereon does not imply that it is known or obvious to one of ordinary skill in the art to use a heat shrunk, removable sleeve as a labeling system for a refrigerant storage tank.

Further, there is no motivation for one skilled in the art of dual chamber plastic tubes, as in Klauke, to look to the art of either propane storage tanks or refrigerant storage tanks, as there is no motivation to combine. The tubes in Klauke are *plastic* and therefore are incapable of safely holding any type of gas, propane, refrigerant or otherwise. Conversely, neither the Admitted Prior Art, Nugent, Boitnott, Culp or Brossia suggest a motivation to look to the art of plastic tubes.

There is no motivation for one skilled in the art of cooling containers (Brossia) to look to the art of refrigerant storage tanks (Admitted Prior Art), propane (Culp), plastic tubes (Klauke), refrigeration systems (Boitnott), nor body fluid collection tubes (Nugent). The invention in Brossia is a cooler for containers requiring cooling, such as beer (Abstract). There is no suggestion to combine Brossia with any of the above mentioned patents as no other of the above mentioned patents are in the art of cooling beverages, in fact, no other are in the art of anything edible. Rather, all of the mentioned patents, except for Brossia, are inventions towards dangerous chemicals and fluids.

Moreover, the Culp patent fails to teach or suggest the relationship between a propane tank reconditioning method (Culp), a refrigeration system port protector (Boitnott), and a refrigerant storage tank label (Admitted Prior Art). Specifically, the Culp patent states that the plastic sleeve is "printed to give it an opacity for hiding imperfections, discoloration, or hard to remove grease and soil that might exist on the exterior surface of the tank beneath the sleeve". (Column 3, lines 35-37). The plastic sleeve in Culp is used as a restoration system, not as a labeling system of the contents inside.

The Boitnott patent, as discussed above, relates to the service port of refrigeration systems. One skilled in the art of refrigeration systems would not be motivated to refer to the teachings of Culp (propane tanks) and the Admitted Prior Art (labels for refrigerant storage tanks) for a seal for service ports on refrigeration systems.

The Office action states that it would be obvious to the skilled artisan to apply the content information label of the Admitted Prior Art to the refrigerant tank because such an apparatus is known in a wide variety of arts for labeling storage tanks, as taught by Culp, Klauke, and Brossia.

There is no motivation to combine Culp and the Admitted Prior Art. The Culp patent is for propane tanks. A propane tank is not a refrigerant storage tank. In fact, the propane tanks shown in FIG. 1, 4, and 6- 10 are all the shape of the typical household propane storage tank. It is known to one skilled in the art of propane tanks that these propane tanks are always the same shape, and are always filled with propane. Therefore, there would be no need for a removable label, to be removed each time the propane tank is filled, and replaced with a new label to

indicate the new contents each time the propane tank was filled. Thus, there is no motivation to combine the teachings of Culp with the Admitted Prior Art.

Further, the Culp patent is directed towards reconditioning the propane tank and not to labeling the propane tank. Although the Culp patent discloses that the plastic sleeve can be "printed with indicia and operating instructions so as to eliminate the necessity for separate adhesively applied labeling" (Column 3, lines 57-59), it does not require printing. The Nugent patent fails to teach or suggest the relationship between a body fluid sample collection tube (Nugent), and a propane tank reconditioning method (Culp). Specifically, the Nugent patent states that the "presence of the film firmly adhering to the outer surface of the container holding the sample has the effect of maintaining the general integrity of the container holding a diseased sample so that it may be properly disposed without contamination to the user". (Column 2, lines 23-28). Thus, one of ordinary skill in the art of body fluid sample tubes would not look to the art of propane tank reconditioning, especially considering the Nugent patent explicitly states the reason for the heat shrunk sleeve is for maintaining the "integrity" of the container. The Culp method does not provide a method to *contain* the propane, rather, it provides a method to refurbish the appearance of the tank. The Nugent apparatus does not mention refurbishing. The labeling system of the present invention does not maintain the integrity of the container by protecting the contents from escaping in the event of a crack in the tank. Nor does it improve the appearance of the tank. Finally, there is no suggestion in either Culp nor Nugent to combine with the art of refrigerant storage tank labeling.

Further, Culp does not disclose a surface on the plastic sleeve appropriate for written content by the handler. As discussed above, there is no motivation to combine the Culp patent with the Nugent patent. A skilled person in the art of propane reconditioning would not look to the art of body fluid tubes for improved reconditioning methods.

Because there is no motivation to combine the references Applicant submits that the Office has failed to establish a *prima facie* case of obviousness of independent claim 1 and the claims dependent therefrom.

Conclusion

The claims have been shown to be allowable over the prior art. Applicant believes that this paper is responsive to each and every ground of rejection cited by the Examiner in the

Action dated August 13, 2003, and respectfully requests favorable action in this application. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Please apply any charges not covered, or any credits, to Deposit Account 04-0932 (Reference Number 11702/54246). The applicant herewith petitions the Commissioner of Patents and Trademarks to extend the time for reply to the Office action dated August 13, 2003 for 3 months. Please charge deposit account number 04-0932 (Reference Number 11702/54246), in the amount of $475 to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above numbered deposit account.

Respectfully submitted,

Date: 02 · 13 · 04

By: _____
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